

UNITED STATES OF AMERICA

v.

IBRAHIMA NDIAYE,

Defendant.

23 MAG 6507

COMPLAINT

Violations of 18 U.S.C. §§ 970(a) and 2

COUNTY OF OFFENSE:
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

RICHARD DOLAN, being duly sworn, deposes and says that he is a Special Agent with the U.S. Department of State, Diplomatic Security Service ("DSS"), and charges as follows:

COUNT ONE

(Damaging Property Occupied by Foreign Government)

1. On or about August 4, 2023, in the Southern District of New York and elsewhere, IBRAHIMA NDIAYE, the defendant, knowingly and willfully injured, damaged, and destroyed, and attempted to injure, damage, and destroy, property, real and personal, located within the United States and belonging to and utilized and occupied by a foreign government and international organization, by a foreign official and official guest, to wit, NDIAYE, while inside of the Consulate General of Senegal in New York, New York, repeatedly kicked and damaged the entrance door to the Consulate and a door to an office space in the Consulate.

(Title 18, United States Code, Sections 970(a) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with DSS. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement personnel, my examination of documents, videos, reports and records, and my involvement in this investigation. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

**BREAK-IN TO CONSULATE GENERAL OF SENEGAL AND DESTRUCTION
OF PROPERTY**

3. Based on my personal involvement in the investigation of this matter, my review of reports and records, my review of surveillance footage and photographs, and my discussions with other law enforcement personnel, I have learned the following:

a. On or about August 4, 2023, at approximately 3:42 p.m., approximately fifteen individuals entered a particular building located in New York, New York, in which the Consulate General of Senegal (the “Consulate”) is located. One of the perpetrators (“Perpetrator-3”) wore a white t-shirt, jeans, and black shoes. The following are still images from surveillance video.



Images of Perpetrator-3

b. Once in the hallway to the entrance of the Consulate, another one of the perpetrators (“Perpetrator-2”) began to rip paper signs off of two mailboxes on a door in the hallway. Perpetrator-2 then, along with another individual, forcibly removed the two mailboxes from the door and threw them on the ground. Perpetrator-2 also helped other individuals forcibly remove a tack board from the wall of the hallway.

c. At approximately the same time, Perpetrator-3 and another individual (“Perpetrator-4”) began repeatedly to kick the locked door to the entrance of the Consulate.

d. Shortly after, Perpetrator-4 picked up one of the mailboxes that was lying on the ground in the hallway and used it to repeatedly smash a surveillance camera until the camera fell to the ground.

e. At approximately 3:44 p.m., apparently as a result of the kicking by certain individuals, including Perpetrator-3 and Perpetrator-4, of the doorway to the Consulate, the glass of the side window near the locked door to the entrance shattered and the door flew open. Several of the individuals then entered the Consulate.

f. Once inside of the Consulate, the perpetrators began to kick locked doors within the Consulate and to enter various workspaces. After entering the workspaces in the Consulate, certain of the perpetrators proceeded, among other things, to knock over a desk and other furniture, throw items on the ground, break glass, and break electronics. The following are still images from surveillance video and photographs taken after the break-in.



Images of destruction to the Consulate

g. Specifically, at approximately 3:45 p.m., another individual (“Perpetrator-1”) repeatedly kicked open two locked doors in the hallway of the Consulate until both of the doors were damaged. The following is a still image from surveillance video.

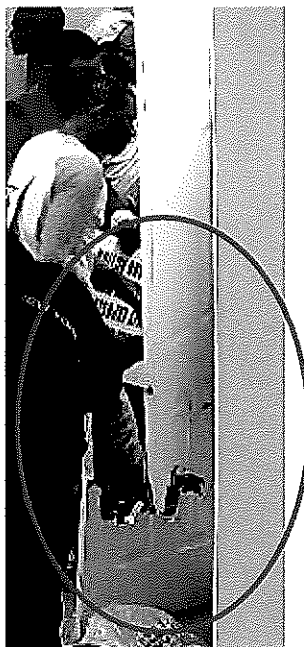


Image of damage (circled in red) to one of the doors (right)

h. Approximately two minutes later, Perpetrator-3 and Perpetrator-1 kicked open a different locked door in the Consulate and entered the workspace contained within. The following is a still image from surveillance video.



Image of Perpetrator-3 kicking door

i. In addition, at approximately 3:45 p.m., Perpetrator-2 also appeared to take papers and other possessions out of a closet or room and throw them on the ground.

j. At approximately 3:47 p.m., the individuals exited the Consulate.

IDENTIFICATION OF PERPETRATOR-3 AS IBRAHIMA NDIAYE

4. Based on my review of law enforcement reports and records and my communications with other law enforcement officials, I know that after August 4, 2023, a law enforcement agency conducted facial recognition analysis of a still image of Perpetrator-3 at or around the location of the Consulate on or about August 4, 2023, and returned a possible match. The possible match is IBRAHIMA NDIAYE, the defendant.

5. Based on my review of images of NDIAYE, the defendant, available on law enforcement databases, I believe that NDIAYE is Perpetrator-3. NDIAYE has the same facial features and appears to have a similar build to that of Perpetrator-3.

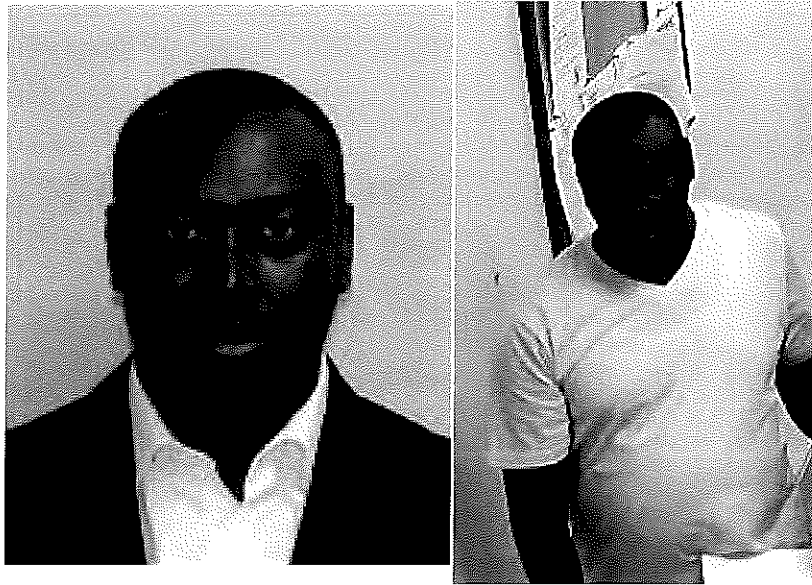


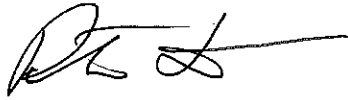
Image of Ibrahima Ndiaye on law enforcement database (left) and surveillance still image of Perpetrator-3 (right)

6. Based on my conversations with other law enforcement officials, I understand that on or about September 21, 2023, at approximately 9:50 a.m., IBRAHIMA NDIAYE, the defendant, was arrested by the New York City Police Department (“NYPD”) based on probable cause to believe that he was Perpetrator-3 who had participated in the destruction and damage of property at the Consulate on or about August 4, 2023.

7. On or about September 21, 2023, at approximately 12:40 p.m., I observed IBRAHIMA NDIAYE, the defendant, upon transferring him from NYPD custody into federal custody. NDIAYE has the same facial features and a similar build to that of Perpetrator-3.

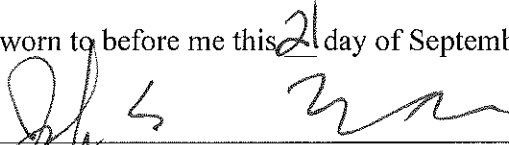
8. Accordingly, I believe that IBRAHIMA NDIAYE, the defendant, is Perpetrator-3 and that NDIAYE caused damage to property of the Consulate, including repeatedly kicking and damaging the entrance door to the Consulate and a door inside of the Consulate.

WHEREFORE, I respectfully request that IBRAHIMA NDIAYE, the defendant, be imprisoned or bailed, as the case may be.



RICHARD DOLAN
SPECIAL AGENT
U.S. DEPARTMENT OF STATE
DIPLOMATIC SECURITY SERVICE

Sworn to before me this 21 day of September, 2023.



THE HONORABLE JENNIFER E. WILLIS
United States Magistrate Judge
Southern District of New York